



To the Honorable Council
City of Norfolk, Virginia

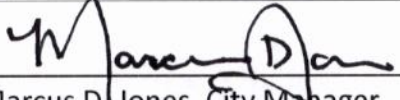
June 23, 2015

From: Kristen M. Lentz, P.E., Director of Utilities

Subject: Ordinance – Easement
Vacation, Release, and Relocation at
United States Coast Guard Base,
Portsmouth

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: N/A

Approved: 
Marcus D. Jones, City Manager

Item Number: **PH-9**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk, Department of Utilities

III. **Description:**

This agenda item is to adopt an Ordinance vacating and releasing an easement to the United States of America that was conveyed by multiple parties to the City in 1921. Also, the Ordinance relocates, vacates, and releases a portion of an easement acquired from the United States Government in 2013. The easements are both located at the United States Coast Guard Base in Portsmouth, Virginia.

IV. **Analysis**

A 30 foot wide easement was acquired in 1921 for the purpose of installing a raw water pipeline. The existing waterline reached the end of its useful life and was replaced in 2014 in a new location per the United States Coast Guard's ("Coast Guard") request. A new easement was conveyed to Norfolk in 2013 and the Coast Guard is now requesting the City vacate and release the original 1921 easement. Also, due to a field change when installing the new pipe, a small portion of the easement acquired in 2013 needs to be vacated, released, and relocated in order for the new pipeline to be situated within the limits of the easement.

V. **Financial Impact**

There was no cost to the City for the new easement acquired in 2013.

VI. Environmental

The new pipeline was installed in an existing road, minimizing environmental impacts.

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action

N/A

IX. Coordination/Outreach

This letter has been coordinated with the City Attorney's Office.

Supporting Material from the City Attorney's Office:

- Ordinance

5/29/2015

Form and Correctness Approved:

By Nathaniel Beaman Jr.
Office of the City Attorney

VR

NORFOLK, VIRGINIA

Contents Approved:

By Kenneth Lee
DEPT. Utilities

ORDINANCE No.

AN ORDINANCE APPROVING THE VACATION AND RELEASE OF A CERTAIN THIRTY FOOT EASEMENT CONVEYED TO THE CITY OF NORFOLK IN 1921 OVER PROPERTY OWNED BY THE UNITED STATES OF AMERICA IN THE CITY OF PORTSMOUTH, SUCH PROPERTY BEING A PART OF COAST GUARD BASE PORTSMOUTH, AND APPROVING THE RELOCATION, VACATION AND RELEASE OF A SMALL PORTION OF AN EASEMENT, LOCATED ON COAST GUARD BASE PORTSMOUTH, CONVEYED TO THE CITY OF NORFOLK BY THE UNITED STATES OF AMERICA IN 2013.

- - -

WHEREAS, the City of Norfolk ("Norfolk") has a thirty foot easement over certain property owned by the United States of America ("US"), such property being a part of Coast Guard Base Portsmouth, the said easement being described in that certain deed dated August 20, 1921, a copy of which is attached as Exhibit A ("1921 Easement"), the 1921 Easement having been granted to Norfolk for the purpose of laying and installing water lines and all fixtures and appurtenances thereof; and

WHEREAS, due to the age and condition of the pipes located in the 1921 Easement, it has become necessary for Norfolk to replace the currently existing pipes; and

WHEREAS, the US, acting by and through the United States Coast Guard, has requested that the 1921 Easement be vacated and

released, in exchange for which the US has agreed to convey to Norfolk a new easement located in another section of Coast Guard Base Portsmouth; and

WHEREAS, by a deed of easement dated May 1, 2013 ("2013 Easement"), the US conveyed to Norfolk a new thirty foot easement, which easement was accepted by Norfolk City Council ("Council") on March 19, 2013, by Ordinance No. 45,032; and

WHEREAS, the US has now requested the vacation and release of the 1921 Easement and the relocation, vacation and release of a small portion of the 2013 Easement, to which Council is agreeable; now, therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the vacation and release of the 1921 Easement is hereby approved and the City Manager and other proper officers of the City of Norfolk are authorized to deliver a Deed of Release, or other appropriate instrument, in form satisfactory to the City Attorney, to the appropriate representative of the US and to do all things necessary and proper to vacate and release the said 1921 Easement.

Section 2:- That the relocation, vacation and release of a small portion of the 2013 Easement, as shown on Exhibit B attached hereto, is hereby approved, and the City Manager and other proper officers of the City are authorized to do all things necessary and proper to relocate, vacate and release the said portion of the 2013 Easement.

Section 3:- That this ordinance shall be in effect from and after 30 days from the date of its adoption.

EXHIBIT

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A

THIS DEED, Made this 20th day of August, 1921,
between Anna E. Holmes, Edna E. Holmes, Hannah Grace
Holmes, of Lynchburg, Virginia, Walter B. Holmes and
Eleanor K. Holmes, his wife, of Springfield, Illinois,
Herbert Nash Holmes and Mattie L. Holmes, his wife, of
Buffalo, Illinois, and Harry G. Holmes and Annie F. Holmes,
his wife, of Bedford County, Virginia, the said Anna E.
Holmes being the widow of B. W. Holmes, deceased, and
Edna E. Holmes, Hannah Grace Holmes, Walter B. Holmes,
Herbert Nash Holmes and Harry G. Holmes being the children
and heirs of B. W. Holmes, deceased, parties of the first
part, and the City of Norfolk, a municipal corporation of
the State of Virginia, party of the second part-

WITNESSETH: That for and in consideration of the
sum of THREE THOUSAND (\$3,000.00) DOLLARS, the receipt of
which is hereby acknowledged, the said parties of the first
part do hereby grant and convey, with GENERAL WARRANTY, unto
the said party of the second part, the following property
in Western Branch Magisterial District, Norfolk County,
Virginia, to-wit:

A strip of land thirty (30) feet in
width, that is to say fifteen (15) feet
on each side of the center line thereof,
as located and staked, three thousand, three
hundred and fifty (3,350.0) feet, more or
less, in length, beginning at the property
line of H. G. Norfleet and running through
the property of B. W. Holmes' Estate to
mean low water in Craney Island Creek, and
containing two and thirty-five one-hundredths
(2.35) acres, more or less, as shown on plat
hereunto attached and made a part of this
deed, and so much and no more of the riparian
rights of said B. W. Holmes' Estate as the
owners thereof may have the right to convey
for the purposes of an easement or right-of-way
over, upon and under a strip of land thirty
(30) feet in width from said mean low water
to the line of navigability in Craney Island
Creek, for the uses and purposes of the City
of Norfolk in laying and installing a line.

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or lines, of water pipe and all fixtures and appurtenances thereof, in and through the said strip, in connection with its water works, and maintaining and operating the same, together with rights of ingress and egress over the lands contiguous to the strip above mentioned for the purpose of laying, installing, maintaining and inspecting the said water pipes and fixtures and appurtenances thereof, and making necessary repairs and alterations therein, or extensions or additions thereto, subject to the following conditions and restrictions:

1. The owners of the contiguous lands shall be paid all damages, if any, to roadways, standing timber, crops and fences in crossing the same; and for repairing and maintaining any line, or lines, upon the above described strip, piece or parcel of land, the entrance to the same shall be over the roadways or paths through the other lands of B. W. Holmes' Estate nearest to the place to be repaired or maintained, whenever the same is reasonably practicable.

2. No line of pipe shall be laid through the highland portion of the said strip of land at a depth less than eighteen (18) inches from the surface of the ground to the top of the pipe, but through the swamp, or lowland, and ravines the pipe may be laid above the ground.

3. The City of Norfolk shall not impair the drainage of the land contiguous to the said strip.

4. The owners of the contiguous land, their heirs and assigns, shall have the right to use the land hereinabove described for all purposes, including the right to have railroad and street car tracks cross said right-of-way, provided such use shall not interfere with constructing, repairing or maintaining the said works that the City of Norfolk may desire to construct upon the property, nor injure the same, and shall not interfere with free access to the said works at all times for all purposes, and provided further that no buildings or structures, other than fences, and a pier or wharf as set out in Section 5, may be erected upon the said land by the owners of the contiguous land, their heirs or assigns.

5. That the pipe from high water mark of the property to the property of the United States Government, known as Craney Island, shall be laid so as not to interfere with navigation; and that the parties hereto and their assigns shall have the right to erect an open pier or wharf on said right-of-way, provided that it

does not interfere with the said pipe and the access thereto for the purposes of the City of Norfolk.

The parties of the first part covenant that they have the right to convey the said strip of land to the said party of the second part; that they have done no act to encumber the said land; the party of the second part shall have quiet possession of the said strip of land, free from all encumbrances, and that they, the said parties of the first part, will execute such further assurances of the said strip of land as may be requisite.

WITNESS the following signatures and seals:

Anna E. Holmes (SEAL)
Edna E. Holmes (SEAL)
Hannah Grace Holmes (SEAL)
Walter B. Holmes (SEAL)
Eleanor K. Holmes (SEAL)
Robert Mack Holmes (SEAL)
Matthew L. Holmes (SEAL)
Harvey E. Holmes (SEAL)
Arthur F. Holmes (SEAL)

STATE OF VIRGINIA,

CITY OF LYNCHBURG, To-wit:

I, Sam C. Crawley, a Notary Public in and for the City aforesaid, in the State of Virginia, do certify that Anna E. Holmes, ~~Edna E. Holmes~~ and Hannah Grace Holmes, whose names are signed to the writing above, bearing date the 20th day of August, 1921, have acknowledged the same before me in my City aforesaid.

Given under my hand this 14th day of September, 1921.

My commission expires on the 24th day of August, 1925.

Sam C. Crawley
NOTARY PUBLIC.

STATE OF ILLINOIS,

County of Sangamon, To-wit:

I, Walter E. Line, a Notary Public
in and for the Co aforesaid, in the State of Illinois,
do certify that Walter B. Holmes and Eleanor K. Holmes, whose
names are signed to the writing hereunto annexed, bearing date
the 20th day of August, 1921, have acknowledged the same before
me in my County aforesaid.

Given under my hand and notarial seal this 31st day
of August, 1921.

My commission expires on the 30 day of April,
1922.

Walter E. Line
Notary Public

STATE OF ILLINOIS,

COUNTY OF Sangamon, To-wit:

I, W. R. Lester, a Notary Public in and
for the County aforesaid, in the State of Illinois, do certify
that Herbert Nash Holmes and Mattie L. Holmes, whose names are
signed to the writing hereunto annexed, bearing date the 20th
day of August, 1921, have acknowledged the same before me in
my County aforesaid.

Given under my hand and notarial seal this 17 day of
Sept., 1921.

My commission expires on the 17 day of Feb., 1923.

W. R. Lester
Notary Public

STATE OF VIRGINIA,

COUNTY OF BEDFORD, To-wit:

I, R. L. Lowry, a Notary Public
in and for the County aforesaid, in the State of Virginia, do
certify that ^{Elna G. Holmes} Harry G. Holmes and Annie F. Holmes, whose names
are signed to the writing hereunto annexed, bearing date the
20th day of August, 1921, have acknowledged the same before
me in my County aforesaid.

Given under my hand this 16th day of Sept., 19 21.

My commission expires on the 30 day of Sept.,
1922.

R. L. Lowry
Notary Public.

Virginia:- In the Clerk's Office of the Circuit Court of Norfolk
County October 5th 1921. This Deed was presented in office
^{and filed}
with the certificate annexed and admitted to record.

Teste:- J. Taylor Corathmey Clerk.

EXHIBIT

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HATCH LEGEND



RELOCATED EASEMENT AREA
(2,619 S.F./0.0601 ACRE)

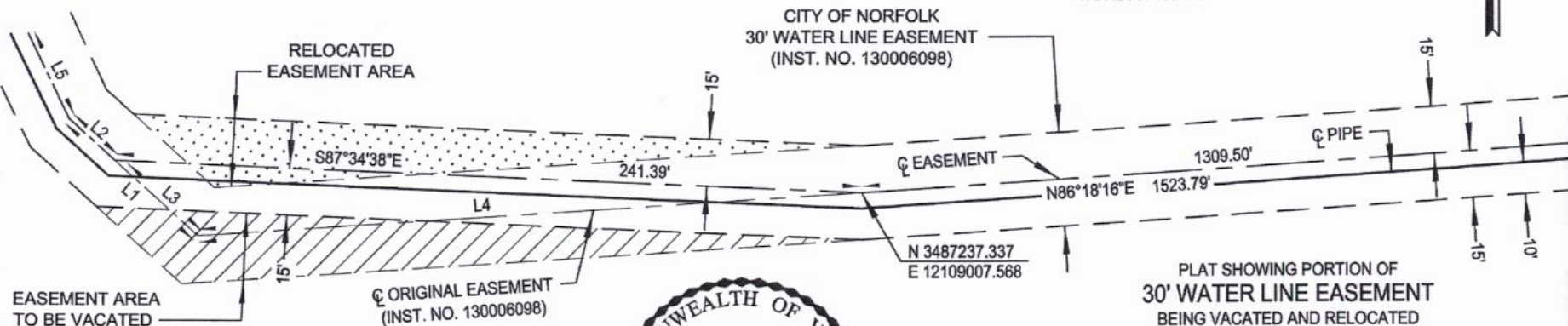


EASEMENT AREA TO BE VACATED
(2,897 S.F./0.0665 ACRE)

LINE TABLE

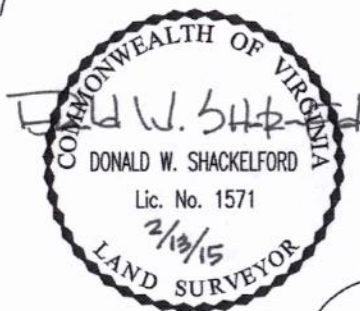
LINE	BEARING	DISTANCE
L1	S48°41'44"E	56.46'
L2	S48°41'44"E	20.07'
L3	S48°41'44"E	36.39'
L4	N86°18'16"E	214.29'
L5	S26°11'44"E	30.21'

PROPERTY OF
UNITED STATES OF AMERICA
(UNITED STATES COAST GUARD - CRANEY ISLAND FACILITY)
D.B. 504, P.414
M.B. 5, P.73
TAX ID: 07190100



NOTES:

1. THE MERIDIAN SOURCE OF THIS PLAT IS BASED ON THE VIRGINIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, N.A.D. 1983/1993(HARN). COORDINATE VALUES ARE SHOWN IN U.S. SURVEY FEET.



GRAPHIC SCALE



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4000 Coast Guard Blvd

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